

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: "Method and System for Dynamically Sending Email Notifications with Attachments in Different Communication Languages"

Appellants: Tejaswini Hosali et al.

Attorney Docket No.: YOR920010754US1

Serial No.: 10/092,319

Examiner: Stephan F. Willett

Filed: 03/06/2002

Art Unit: 2142

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

APPEAL BRIEF

Dear Sir:

This appeal brief is submitted under 35 U.S.C. § 134. This appeal is further to Appellants' Notice of Appeal filed on January 18, 2006 and in response to the Notice of Panel Decision from Pre-Appeal Brief Review of March 30, 2006.

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(1) Real Party in Interest

The real party in interest is International Business Machines Corporation.

(2) Related Appeals and Interferences

No other appeals or interferences exist that relate to the present application or appeal.

(3) Status of Claims

Claims 1-33 stand rejected under 35 USC 102(e) as being anticipated by Boucher et al., U.S. Patent No. 5,884,246 (hereinafter referred to as "Boucher").

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Claimed Subject Matter

The present invention relates in general to the field of data management, and particularly to a workflow. More specifically, this invention relates to a system and associated method for the implementation of a **dynamic email notification with attachments in different languages**. *Reference is made to page 1, lines 10 - 13.*

A dynamic email notification is a specialized, en masse category of email designed to reach a large number of administrators, customers, and/or vendors, to purvey notices, such as corporate news bulletins, changes in sales orders, events of item deletions, and critical news bulletins or messages about new product offerings. *Reference is made to page 2,*

lines 1 - 5.

With the widespread international use of the Internet and email, it has become necessary to concurrently address versatile audiences in several countries, or even the entire world. To this end, the notices need to be language-specific to the target audience. *Reference is made to page 2, lines 7 - 10.*

5.1. Summary of the subject matter of independent claim 1

The present method 300 of FIG. 2 (method 400 of FIG. 3 or system 10 of FIG. 1), sends a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language. *Reference is made to page 6, lines 16 - 28 and further to step 305 of FIG. 2.* The attachment includes a document with a plurality of line items. *Reference is made to page 8, line 12.*

Method 300 automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address. *Reference is made to step 310 of FIG. 2, and further to page 8, lines 1 - 3.*

Method 400 automatically determines if the parsed variable data, including the destination address, require a dynamic task to be started. *Reference is made to step 410 of FIG. 3, and further to page 9, lines 25 - 27.*

Upon a determination that the dynamic task is required, method 400 selects a specific destination language for the electronic message and the

attachment to be sent to the at least one destination address. *Reference is made to steps 413, 415 of FIG. 3, and further to page 10, lines 4 -5.*

At step 435 of FIG. 3, method 400 sends the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address. *Reference is made to page 10, line 31 - page 11, line 3.*

If at step 315 of method 300, it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation. *Reference is further made to page 8, lines 12 - 13.*

In one exemplary implementation, the present method 300/400 sends a language-specific email and attachments to any worldwide email address via the Internet. As an example, a sale order includes several line items. Typically, customers provide their email addresses while entering the sales order, which are in turn entered on a particular text field in the sales order line items. The **customer can enter different email addresses for different line items.** An email is sent to an address specified in the sale order line item text field.

As used herein, "dynamic" refers to the non-static (or fixed) content of the email. The advantages of the present dynamic email notification system are numerous, among which are the following:

- Immediate customer receipt of important business documents, such as the Installation Service information agreement.

- Automated multi-language specific communication with one world wide design / implementation.
- World Wide Internet communication using the existing infrastructure.
- Customer satisfaction of receiving necessary information on a timely basis, in the communication language that the customer requested.
- Many different dynamic e-mails, in different languages, can be sent to multiple different e-mail addresses for one event instance. The necessary and relevant information for the particular recipient, are populated in the document and sent to the requested address for the particular type of material(s). Reference is made to page 7, lines 9 - 22.

5.2. Summary of the subject matter of independent claim 18

While claim 1 exemplifies the present invention in connection with a method for sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, claim 18 generally corresponds to claim 1, and exemplifies the present invention in connection with a computer program product for sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language.

(6) Grounds of Rejection to be Reviewed on Appeal

Appellants respectfully traverse the following rejection and request that it be reviewed on appeal:

Rejection

- Claims 1-33 were indicated to be rejected under 35 U.S.C. 102(e) as being anticipated by Boucher et al., U.S. Patent No. 5,884,246 ("Boucher").

(7) Arguments

Appellants respectfully traverse this rejection, and submit that the claims on file are not anticipated by Boucher, and are thus patentable thereover. In support of this position, Appellants submit the following arguments:

7.1. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Appellants' position of non anticipation, with emphasis added for clarity purposes:

- “Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- “**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference.” *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

Appellants wish to emphasize **the strict application and interpretation of the anticipation legal standards**. Accordingly, all that the Appellants are required to prove, in order to satisfy the novelty requirement, is the existence of a novel feature in the claims.

7.2. Application of the Legal Standard of Anticipation to the Present Invention in Light of Boucher

Appellants will now present arguments in support of the allowance of independent claims 1 and 18, and the claims dependent thereon, over Boucher. Claims 1 and 18 recite elements that are not described in Boucher.

To this end, Appellants will now focus their analysis on representative claim 1. Boucher generally describes a translation system that provides transparent translation of electronically transmitted messages. The emphasis of Boucher is to provide translation services. These translation services could be used in conjunction with the present system, but not to replace the present system.

In general, Boucher summarizes one embodiment of its translation process as follows: “At the origination site, a translation address is

concatenated onto the destination address so that the communication is delivered to the translation site before being delivered to the destination site. At the translation site the communication is translated from the first language into at least the second language to generate a translated communication." Reference is made to the Abstract.

According to the present invention the line items of the document are parsed to automatically identify the destination address and from which to determine the specific language in which the message and attachment are to be sent. In general, once the specific language is determined, then Boucher's system could be used to provide the translation of the document to the specific language of the destination address.

One question to address herein is as follows: "What if the destination language was not specified by Boucher, would Boucher still perform a translation, and in which language?" Based on the Examiner's interpretation, at page 5, lines 10-11 of the Final Office Action, the document is inherently considered not to require translation and none is undertaken.

However, according to the present invention, even if the translation language were not specified, the present method of claim 1, automatically parses the line items of the document to determine the destination language. Once the destination language is determined, the present method performs the translation and then sends the translated document(s) to the destination address.

As an example, assume that the server receives an order in English, from a client computer located in Germany, and the shipment item in the order specifies Switzerland as the delivery destination. The server parses the content of the order for information that reflects the optimal language of the destination. In this example, the server determines that the most optimal languages of the destination are: Italian, French, and German. Thereafter, the server performs the translation into the Italian, French, and German languages, and sends the translated documents to the destination.

Clearly, when Boucher is faced with such a situation, it will not perform similarly. According to Boucher, it will transmit the original English document to the destination, or at best, translates the document into the destination language that is specified by the order. The translation machine 136 of Boucher determines the translation language by some vague method, without specifying the details of this method. Boucher does not use the parsed data of the line items to determine the translation language.

Claim 18 is allowable over Boucher for reciting generally similar allowable features and limitations as in claim 1. As a result, based on the legal authorities above, Boucher does not anticipate independent claims 1 and 18 and the claims dependent thereon.

All the claims on file are believed to be allowable, and the allowance of these claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Kassatly', with a long horizontal flourish extending to the right.

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APPENDIX A
CLAIMS ON APPEAL

1. (Previously presented) A method of sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, comprising:

the attachment includes a document with a plurality of line items;

automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address;

automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started;

upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address;

sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address; and

if it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation .

2. (Previously presented) The method of claim 1, wherein the variable data of at least two line items include at least two destination addresses; and

wherein sending the electronic message and attachment includes sending the electronic message and attachment to the at least two different destination addresses in at least two different languages.

3. (Original) The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a destination country of shipment.

4. (Original) The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a destination country in which a software program will be installed.

5. (Original) The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a communication language exchanged with the at least one destination address.

6. (Original) The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a preferred language from the at least one destination address.

7. (Original) The method of claim 2, wherein selecting the specific destination language includes selecting a default language.

8. (Original) The method of claim 7, wherein selecting the specific destination language includes selecting a default language of a destination country.

9. (Original) The method of claim 7, wherein the default language is English.

10. (Original) The method of claim 2, wherein selecting the specific destination language includes communicating with a destination computer.

11. (Original) The method of claim 2, wherein sending the electronic message and the attachment includes selectively sending the electronic message and the attachment based on any one or more of: a product type, a requirement for service, a customer instruction, and registration information.

12. (Original) The method of claim 2, wherein the attachment includes a document.

13. (Previously presented) The method of claim 2, wherein the attachment includes a document in a distributable format.

14. (Original) The method of claim 2, wherein parsing the document is triggered by a receipt of any one or more of: a sale order, a request for information, an inquiry, and a quote.

15. (Original) The method of claim 2, wherein selecting the specific destination language includes querying the document for the specific destination language.

16. (Original) The method of claim 2, wherein the electronic message includes an email.

17. (Original) The method of claim 16, wherein the at least one destination address includes an Internet address.

18. (Previously presented) A computer program having a plurality of executable instructions that are stored on a computer readable medium, for sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, comprising:

- the attachment includes a document with a plurality of line items;

- a first set of program instructions for automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address;

- wherein the first set of program instructions automatically determines if the parsed variable data, including the destination address, require a dynamic task to be started;

- upon a determination that the dynamic task is required, a second set of program instructions selects a specific destination language for the electronic message and the attachment to be sent to the at least one destination address, as a function of the parsed variable data; and

- a third set of program instructions for sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address, and

- if it is determined that the dynamic task is not required, then the third set of program instructions transmits the dynamic electronic message and the attachment in an origin source language, without translation.

19. (Previously presented) The computer program of claim 18, wherein the variable data of at least two line items include at least two destination addresses; and

wherein the third set of program instructions cause the electronic message and attachment to be sent to the at least two different destination addresses in at least two different languages.

20. (Original) The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a destination country of shipment.

21. (Original) The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a destination country in which a software program will be installed.

22. (Original) The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a communication language exchanged with the at least one destination address.

23. (Original) The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a preferred language from the at least one destination address.

24. (Original) The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language by selecting a default language.

25. (Original) The computer program of claim 24, wherein the second set of program instructions verifies the specific destination language by selecting a default language of a destination country.

26. (Original) The computer program of claim 24, wherein the default language is English.

27. (Original) The computer program of claim 19, wherein the third set of program instructions sends the electronic message and the attachment based on any one or more of: a product type, a requirement for service, a customer instruction, and registration information.

28. (Original) The computer program of claim 19, wherein the attachment includes a document.

29. (Previously presented) The computer program of claim 19, wherein the attachment includes a document in a distributable format.

30. (Original) The computer program of claim 19, wherein the first set of program instructions parse the document based on a triggering event.

31. (Original) The computer program of claim 30, wherein the triggering event is any one or more of: a sale order, a request for information, an inquiry, and a quote.

32. (Original) The computer program of claim 19, wherein the electronic message includes an email.

33. (Original) The computer program of claim 32, wherein the at least one destination address includes an Internet address.

34. (Canceled)